



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/849,457	05/04/2001	Chen Lai Cheng	JCLA6623	8348

7590
J.C. Patents, Inc.
J C Venture
Suite 250
Irvine, CA 92618

08/18/2003

EXAMINER

DUONG, KHANH B

ART UNIT PAPER NUMBER

2822

DATE MAILED: 08/18/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/849,457

Applicant(s)

CHENG ET AL.

Examiner

Khanh Duong

Art Unit

2822

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 16 July 2003.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 14-16 and 21-30 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 14-16, 21-23 and 26-30 is/are rejected.
- 7) ☒ Claim(s) 24 and 25 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____
- 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other:

Art Unit: 2822

DETAILED ACTION

Response to Applicant's Election

This Office Action is in response to the Election, Paper No. 5, filed on July 16, 2003.

Applicant's election **with** traverse of Species 4, Claims 14-16 is acknowledged.

Furthermore, claim 14 was amended, claims 17-20 were canceled, and new claims 21-30 were added.

Accordingly, claims 14-16 and 21-30 are active in the application and an office action on the merits is as follows.

Priority

Receipt is acknowledged of papers submitted under 35 U.S.C. 119(a)-(d), which papers have been placed of record in the file.

Specification

The abstract of the disclosure is objected to because of the following typographical errors: line 11, "absorption" should be --absorption layer--, and "cab" should be --can--. Correction is required. See MPEP § 608.01(b).

The title of the invention is not descriptive. A new title is required that is clearly indicative of the invention to which the claims are directed.

The following title is suggested: --METHOD FOR FORMING A THIN FILM LIGHT EMITTING DEVICE HAVING AN ACTIVE ABSORPTION LAYER--.

The disclosure is objected to because of the following informalities:

Art Unit: 2822

page 8, line 18, before "a vacuum", "The" should be --Then--, and lines 20-22, "Since the evaporation process absorb water or oxygen" is unclear in meaning.

page 9, line 11, page 10, line 5, and page 11, line 11, "needs no" should be --does not need--.

page 10, line 5, "Likewise ... wit" is incomplete, and "trench 84" should be --trench 86--.

page 11, lines 1-2, " , and even ... the device" is unclear in meaning, line 12, "frit line" should be followed by --92--, lines 16-17, "The structure ... 92 and 94" is unclear in meaning, line 18, "be overflowing" should be --being overflowed--, line 19, "produces" should be --produce--, and line 21, "forgoing" should be --foregoing--.

Appropriate correction is required.

Claim Objections

Claims 14, 21 and 26 are objected to because of the following informalities:

Re claim 14, line 7, after "absorption layer", the comma " ," should be deleted.

Re claims 21, line 7, and claim 26, line 9, "putted" should be --put--.

Appropriate correction is required.

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 21, 22, 26, 27-29 and 30 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Art Unit: 2822

Re claim 21, line 7, claim 22, line 3, and claim 26, line 9, the limitation “the covering surface” lacks sufficient antecedent basis in the claims.

Re claim 27, line 5, and claim 30, line 5, it is unclear if the step “optionally forming a sealant layer” is a part of the claims.

Re claim 30, line 8, “the recess region” lacks sufficient antecedent basis in the claim.

***Other claims are rejected as depending on the rejected base claims.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in-

(1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effect under this subsection of a national application published under section 122(b) only if the international application designating the United States was published under Article 21(2)(a) of such treaty in the English language; or

(2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that a patent shall not be deemed filed in the United States for the purposes of this subsection based on the filing of an international application filed under the treaty defined in section 351(a).

Claims 14-16, 21 and 23 are rejected under 35 U.S.C. 102(e) as being anticipated by Kobayashi (US 2002/0033664 A1).

Re claims 14-16, 21, and 23, Kobayashi discloses in FIG. 8 (see accompanying text) a method for forming an LED comprising: providing a transparent substrate 1, wherein a transparent anode layer 5, a light emitting layer 3 and a metal cathode layer 2 sequentially formed on the substrate 1; providing a covering layer 9 comprising a cap-like layer to completely cover over a sealant layer 8, the transparent anode layer 5, the light emitting layer 3 and the metal cathode layer 2; performing an evaporation deposition process to form an active absorption

Art Unit: 2822

layer 19 on a surface of the covering layer 9; and putting the covering layer 9 with the surface having the active absorption layer 19 over at least a portion of the light emitting unit 3 above the metal cathode layer 2.

Allowable Subject Matter

Claims 24 and 25 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Claims 22 and 26-30 would be allowable if rewritten to overcome the rejection(s) under 35 U.S.C. 112, second paragraph, set forth in this Office action and to include all of the limitations of the base claim and any intervening claims.

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.


See attached Notice of References Cited for additional prior arts relevant to the instant invention.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Khanh Duong whose telephone number is (703) 305-1784. The examiner can normally be reached on Monday - Friday (9:00 AM - 6:00 PM).


If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Amir Zarabian, can be reached on (703) 308-4905. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 305-3431 for regular communications and (703) 308-7722 for After Final communications.

Art Unit: 2822

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-0956.



KBD
July 28, 2003



AMIR ZAFARIAN
SUPERIOR COURT CLERK EXAMINER
TECHNOLOGY CENTER 2800